IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 812 OF 1997

Smt. Punjabai Madhukar Naik ...Appellant

Versus

Bhika Davlu Barde & Ors. ...Respondents

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Mr. P.N. Karlekar, Advocate for the Appellant

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CORAM: A.S. OKA, J.
DATED: 12TH JANUARY, 2005

P.C.:-

1. The Appellant is the original Plaintiff No.1. Suit for injunction was filed by the Appellant and Respondent No.4. The said suit proceeds on assertion that the Appellant and Respondent No.4 are the exclusive owners of the suit field. The appellate Court in paragraph No.8 of the Judgment has referred to the deposition of the Appellant in which she admitted that she is not the exclusive owner of the entire suit field. After holding that the Appellant has an undivided share in the suit field, the appellate Court has dismissed the Appeal. The reason is obvious. The Appellant being the co-owner is not entitled to seek injunction against the Defendant No.1 who is also a co-owner having some share in the suit land.

2. No substantial questions of law arise. Second Appeal is dismissed. No order as to costs.